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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/807,661	06/15/2001	Klaus Titzschkau	14510	2239

7590 03/21/2002

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EXAMINER

RAJGURU, UMAKANT K

ART UNIT	PAPER NUMBER
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1711

DATE MAILED: 03/21/2002

7

Please find below and/or attached an Office communication concerning this application or proceeding.

AS-7

Office Action Summary

Application No.

Applicant(s)

Examiner

Group Art Unit

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Response

A SHORTENED STATUTORY PERIOD FOR RESPONSE IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a response be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for response is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to respond within the set or extended period for response will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☐ Responsive to communication(s) filed on _____.
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-13 is/are pending in the application.
- ☐ Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-3 and 5-11 is/are rejected.
- ☒ Claim(s) 4, 12 and 13 is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☒ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
- ☐ received in Application No. (Series Code/Serial Number) _____.
- ☒ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).
- *Certified copies not received: _____.

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s) 6
- ☐ Notice of References Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

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1. Claims 1-3 are under examination.

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 5, 6 and 11 are rejected under 35 U.S.C. 112, second paragraph, as ^{most} being indefinite for failing to particularly point out and distinctly claim the subject matter ^{Sep 24, 2002} which applicant regards as the invention.

Claims 5, 6 and 11 provide for the use of one copper complex and one organic halogen compound, but, since the claim does not set forth any steps involved in the method/process, it is unclear what method/process applicant is intending to encompass. A claim is indefinite where it merely recites a use without any active, positive steps delimiting how this use is actually practiced.

Claims 5, 6 and 11 are rejected under 35 U.S.C. 101 because the claimed recitation of a use, without setting forth any steps involved in the process, results in an improper definition of a process, i.e., results in a claim which is not a proper process claim under 35 U.S.C. 101. See for example *Ex parte Dunki*, 153 USPQ 678 (Bd.App. 1967) and *Clinical Products, Ltd. v. Brenner*, 255 F. Supp. 131, 149 USPQ 475 (D.D.C. 1966).

3. Claims 4, 12 and 13 are objected to under 37 CFR 1.75(c) as being in improper ^{most} form because a multiple dependent claim cannot depend from any other multiple ^{09.24.02} dependent claim See MPEP § 608.01(n). Accordingly, the claims 4, 12 and 13 have not been further treated on the merits.

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4. Claim 3 is objected to because of the following informalities: "1:1, 5-15" in line 2 should be "1:1.5-15". Appropriate correction is required.

met
09.24.02

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3 and 5-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dikotter et al (USP 3428597) in view of Nentwig et al (USP 3507833)

met
09.24.02

UKR (both references are of record on PTO-1449, Paper No. 6).

Dikotter discloses stabilization of polyamide wherein, a complex compound of cuprous iodide with a hydrocarbon phosphine or a hydrocarbon phosphite is used as a stabilizer (col. 1, lines 59-66).

Dikotter does not mention the use of an organic halogen compound (of instant claim 1).

Nentwig discloses stabilized polyamide composition containing copper and halogenated phosphite additives. According to the patentee, the stabilizing effect is due to the combination of halogenated phosphite additives and copper.

UKR It would have been obvious to add to the (stabilized polyamide) composition of Dikotter, the aliphatic phosphite containing one or more halogen atoms as disclosed by Nentwig in col. 2, line 10-21, in order to enhance stabilization of polyamide against discoloration on exposure to heat in presence of air or oxygen.

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It is noted that prior art fails to teach the use of master batch of the instant claim 8. Conventionally master batches have been prepared and used whenever very small amount of certain chemicals have to be added in precise quantities. Therefore, since in the instantly claimed invention, the amounts of copper and halogen, to be added, can be as low as 10 ppm and 50 ppm (see specification, page 8, last two paragraphs), it is quite obvious to one of ordinary skill in the art, to use master batch technique.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to U. K. Rajguru whose telephone number is (703) 308-3224. The examiner can normally be reached on Monday-Friday from 9:30 a.m. to 6:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James J. Seidleck can be reached on (703) 308-2462. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.



U.K. Rajguru/dh
March 20, 2002



James J. Seidleck
Supervisory Patent Examiner
Technology Center 1700